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SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 253rd MEETING

Held at Headquarters, New York,
on Tuesday, 1 February 1994, at 3 p.m.

Chairperson: Ms. CORTI

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

* The summary record of the second part (closed) of the meeting appears as document CEDAW/C/SR.253/Add.1.

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Special report of Bosnia and Herzegovina

1. The CHAIRPERSON recalled that at its twelfth session, the Committee, being deeply concerned by events in the territory of the former Yugoslavia affecting the human rights of women, finding that the new States within the boundaries of the former Yugoslavia had succeeded to the obligations of the former Yugoslavia under the Convention, had decided, inter alia, that it should, pursuant to article 18 of the Convention, request the States of the territory of the former Yugoslavia to submit a report or reports on an exceptional basis for consideration at its thirteenth session. It had subsequently made such requests. In addition, the Committee had put on record its commitment to look into similar grave violations being experienced by women in any part of the world.

2. As Chairperson of the Committee she had written to the Special Rapporteur on the situation of human rights in the former Yugoslavia conveying the Committee's alarm about the situation of women in that country and recalling the provisions of the Convention and of the Committee's General Recommendation No. 19.

3. On 14 June 1993, at the Committee's request, she had sent letters to the Ministers for Foreign Affairs of the three Governments concerned asking them to submit reports on the situation of women in their countries, on an exceptional basis. In October 1993, the Government of the Federal Republic of Yugoslavia had replied that its report was under preparation. When contacted by the Committee, the Permanent Missions of Bosnia and Herzegovina and of Croatia had asked whether they could submit oral reports, and she had agreed, on an exceptional basis, so as to ensure objectivity and avoid putting any country at a disadvantage. The Government of Croatia had subsequently informed the Committee that it would not be able to submit a report until the next session, and the Committee had agreed to take it up at that time; a report had now been submitted by the Republic of Bosnia and Herzegovina.

4. The Bureau of the Committee had met to consider the procedure for taking up the reports, and had decided that the Committee should try to make an objective assessment of the situation of women in Bosnia and Herzegovina and the Federal Republic of Yugoslavia on the basis of the reports submitted.

5. At the invitation of the Chairperson, Ms. Sapcanin (Bosnia and Herzegovina) took a place at the Committee table.

6. Ms. SAPCANIN (Bosnia and Herzegovina) said that the Republic of Bosnia and Herzegovina was, on the basis of notification of succession, a State Party to the Convention, as well as a party to all other international human rights instruments. Human rights and freedoms were protected by the Constitution and laws of the Republic, which prohibited any form of discrimination against women and provided for full respect for women's equality. Moreover, in accordance

(Ms. Sapcanin, Bosnia and Herzegovina)

with European and world norms and standards, women enjoyed additional protection as mothers, and within the labour force.

7. However, since the onset of aggression by the occupying Serb forces against Bosnia and Herzegovina, violations of human rights and grave breaches of international law had become a reality for the people of Bosnia and Herzegovina. The latter had been living in subhuman conditions for more than 21 months, some herded in the besieged cities that were declared United Nations "safe areas" which had actually become even more dangerous. Millions of people had been forced to abandon their homes and lands, often losing their families and friends.

8. Regular and irregular armed forces from Serbia and Montenegro and their surrogates in Bosnia had been conducting the most brutal aggression; an estimated 250,000 people had been killed or were unaccounted for, and there were more than 2 million refugees and displaced people. In addition, parts of the armed forces of the Croatian Council of Defense, under the control and command of extremist nationalist movements and with active support from parts of the regular forces of the Republic of Croatia, had joined in the carnage in Bosnia and Herzegovina. In pursuing the goal of ethnic cleansing, Serb aggressors and Croat extremists were using a wide variety of means and methods forbidden by international legislative norms and standards. According to the testimony of survivors, thousands of people in the 200 registered detention camps had been subjected to severe torture, humiliation, maiming and the "final solution" - liquidation. A large number of women were reported to have been captured and detained in the camps.

9. Mass and systematic rapes of non-Serb women, especially Muslim women, were being used as an instrument of war and genocide. Women of all ages were being subjected to unspeakable brutalities; testimony of survivors and witnesses confirmed that neither the very young nor the elderly had been spared. Some of the crimes that had occurred were unprecedented and required international legal definition as well as mechanisms in order for the perpetrators to be prosecuted: an example was forcible impregnation and forced pregnancy. So far, the State Commission had registered an estimated 25,000 victims of genocidal rape in the Republic of Bosnia and Herzegovina. Women had been victims of massive deportations and detentions and many women and girls were being forced into prostitution for the purpose of serving in organized brothels. Some women had been killed after being raped, many were registered as missing; others had committed suicide.

10. Those mass rapes had been carefully planned and organized and were in no way a mere by-product of the war environment. The testimony of witnesses made it clear that the aggressor's forces had been given clear orders to rape women and very young girls before the eyes of their family members in order to humiliate them in the most brutal fashion. That situation had been described in the report of the Special Rapporteur of the Commission on Human Rights (A/48/92-S/25341) and in the second interim report of the Commission of Experts established pursuant to Security Council resolution 780 (1992).

11. The consequences of rape were horrendous. Physically, the damage was severe and, in many cases, irreparable. If given a choice, women who had been impregnated rarely chose to carry on with the pregnancy. Women subjected to

(Ms. Sapcanin, Bosnia and Herzegovina)

gang rape would experience insurmountable difficulties in normal relationships and were likely to decide to remain childless. Thus the biological cycle was interrupted, which was one of the aims of the genocidal rape.

12. The systematic rape and torture were also meant to cause psychological harm; they were directed against the honour of the whole Bosnian nation, as well as Bosnian traditions and culture. Moreover, the victim faced unavoidable personal issues of how to relate in society and within the family again after being humiliated and stripped of identity. Her Government had committed itself to the protection of the victims of rape and would take all necessary steps to enable them to effect the transition from victim into a fully functional member of society. Any discrimination against the victims would be prevented.

13. The issue of violence against women had received due attention in the media in Bosnia and Herzegovina. Attempts had been made to offer financial, medical and psychotherapeutic help. There were a number of centres which were trying to help women who had been traumatized. Several women's organizations in Sarajevo were addressing the issue of rape in various aspects. Meanwhile, however, the aggression continued unabated, and the number of victims continued to rise.

14. The question of refugees and internally displaced persons had become a burning issue. Even when fleeing, the refugees were in imminent danger, since they often had to cross areas of armed conflict. Of the estimated 1,250,000 refugees from Bosnia and Herzegovina, 60 per cent were women; of the 1,288,000 displaced persons within Bosnia and Herzegovina, 65 per cent were women. The refugees had pressing needs, especially in the area of health care, but the medical services could not meet the needs of the population and refugees and lacked basic facilities, equipment, drugs and food. Numerous women's groups and individuals from various parts of the world were trying to provide assistance. Casualties continued to increase with every passing day and Serbian forces habitually blocked even such measures as the opening of Tuzla airport.

15. Women had heroically shouldered their share of duties and responsibilities since the start of the aggression and the relevant bodies of the United Nations had been presented with numerous official reports on the situation. Her Government called upon the United Nations to take prompt steps in accordance with the Charter and international human rights instruments in order to put an end to the crimes that were being committed against the peoples of Bosnia and Herzegovina.

16. Ms. AOUIJ expressed solidarity with the Government of Bosnia and Herzegovina. It was not enough simply to condemn the crimes that were being committed; the war crimes must be taken up as violations of human rights and of women's and children's rights.

17. According to the rules of the Convention, the report should include statistical data indicating the overall situation of women in the country. She asked whether there was any national machinery for women in Bosnia and Herzegovina and noted that rape victims, and women who were helping them, should be given information about the Convention so that they could raise their voices and be heard.

18. Ms. BUSTELO expressed solidarity with the women of Bosnia and Herzegovina; she hoped that peace would soon be restored so that the difficult process of reconstruction could be begun.

19. The Committee had made it clear in its General Recommendation No. 19, on violence against women, that under the Convention discrimination was not restricted to action by or on behalf of Governments and that States might also be responsible for private acts if they failed to act with due diligence to prevent violations of rights.

20. It would also be useful to know the Government's view of the contribution of the women's movement to alleviating distress in Bosnia and Herzegovina. A full account would also be welcome of the measures taken to remedy adverse consequences of acts of violent aggression against women, as well as of any specific mechanisms that might have been instituted to deal with problems specific to women. She wondered whether the women of Bosnia and Herzegovina found ways of organizing, in their own behalf, whether they had access to abortion, for example, to resolve the consequences of rape, whether the Government knew if members of the army of Bosnia and Herzegovina committed similar acts of violence against women and, if so, whether it had taken measures to combat or prevent such deeds or to provide compensation to victims. She also wondered if the Government had plans to make special compensation to victims of torture.

21. Ms. KHAN said that the report failed to offer a clear picture of the current situation of war victims or of measures undertaken to assist them, and in particular women and children, by both the Government of Bosnia and Herzegovina and international agencies. It would be interesting to learn whether figures were available on the number of children conceived during rapes, as well as their legal status, particularly under Muslim law. Were such children taken into the family or placed in orphanages? Information would also be welcome on any government health programmes dealing with such areas as trauma therapy, designed to aid women and children. She firmly hoped that the Committee's work would help to halt the recurrence of such atrocities, so that never again anywhere in the world should women be used as political tools or instruments of torture.

22. Ms. BRAVO de RAMSEY inquired whether an official explanation had been offered of the pregnancies arising out of rape. Like her colleague, she wondered if women were organizing in their own behalf and if the Government was taking special measures to protect women and children in the current harsh climate of war.

23. Ms. CARTWRIGHT said that she too wished to express her deep sorrow over the plight of Bosnia and Herzegovina. Several questions arose. Firstly, to what extent were women represented in the current wartime Government? Bosnia and Herzegovina should provide assurance to the Committee and to the international community that when negotiations were held, and terms of peace set out, women would participate fully in all stages of negotiation and policy formulation, and would take part in that Government on all levels. Women who shared in that process would surely recall the suffering they had experienced, and endeavour to avoid its repetition. Bosnia and Herzegovina should also provide assurance that in its dealings with other States, it would bear always in mind the crucial need to protect women and children.

24. Ms. TALAWY said that she strongly deplored the genocidal acts against women that had occurred in Bosnia and Herzegovina; the fact that such deeds had been carried out under orders rendered them still more painful. That such events could occur at the present time and in such a place as the former Yugoslavia was particularly shocking. She recommended that the Committee should request the Government of Bosnia and Herzegovina to submit a thorough, detailed compilation of data on such crimes, to be forwarded to the International Tribunal established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia. When those countries went to the negotiating table, compensation for acts of violence against women should be sought. She commended the efforts to Bosnia and Herzegovina to alleviate the pain of victims of violence and rape. That country should advise the Committee as to whether it was receiving sufficient assistance, including medical services, whether it had requested assistance from the United Nations and from humanitarian organizations, and whether such assistance had reached the victims. Information on the current status of women refugees and their children would also be welcome, in particular, their access to medical services. Were measures being taken to protect them from attack? The Committee should appeal to high levels of the Organization to seek assistance for those women and children; it must attempt to provide not merely expressions of solidarity but concrete support. The Government of Egypt, for its part, had supported the lifting of the arms embargo, so as to enable Bosnia and Herzegovina to defend itself.

25. Ms. GURDULICH de CORREA appealed to the parties concerned to join with the international community in bringing that deplorable conflict to an end; peace could not be achieved without full participation by all. She would welcome information on any measures taken by Bosnia and Herzegovina for the physical and mental recuperation of women and children, and if that Government had envisaged providing compensation for victims. She joined with others in requesting detailed information on the role of women in that Government.

26. Ms. SCHOPP-SCHILLING recalled that the term "final solution" had been coined by Germany, and that generations of her compatriots had been obliged to grapple with the significance of that fact. Gross violations of human rights were occurring in Bosnia and Herzegovina. It would be useful to know how the figure of 25,000 cases of rape had been arrived at and, in particular, to what extent it was based on the testimony of victims. She pointed out, however, that, under such circumstances, subjecting women to further questions was in itself a form of violation. It would also be helpful to know how many rehabilitation and therapeutic centres had been set up to help rape victims and whether the Government possessed sufficient resources for such measures or whether it relied on the international community, including women's groups. German women's groups had collected funds, but had met with difficulties in conveying them to the agencies concerned. The representative of Bosnia and Herzegovina should advise her, on behalf of German women, of the nature of the assistance they received, whether resources, expertise, or training, and of possible means of delivering it.

27. Ms. AOUIJ said that the Committee must muster all available force and energy to help the women of all the nations of the former Yugoslavia. Bosnia and Herzegovina had clearly undertaken the international obligations of the former Yugoslavia; in that context, it would be interesting to learn what measures had been taken to prevent human rights violations. But most

importantly, the Government of that country must advise the Committee of what assistance it could render to the women and children of that country.

28. Ms. LIN Shangzhen said that women and children always suffered the most in wars and armed conflict; the international community must provide more assistance and attention to those vulnerable members of the former Yugoslavia.

29. Ms. SAPCANIN (Bosnia and Herzegovina) said that the Government had not singled out rape victims so as not to further stigmatize them; instead, it had set up centres for all trauma victims. Those centres were open to all who needed psychological support, including family members and witnesses. The Government had not developed special mechanisms for dealing with women's issues as a separate concern; despite its genuine interest in so doing given the current situation in Bosnia and Herzegovina, the siege of its cities and the shortages of fuel and food, only vital necessities could be considered.

30. International organizations, including women's organizations, had contributed towards alleviating the consequences of aggression, but had not, of course, halted the conflict; and as long as the aggression went on unabated, the number of victims would continue to mount. The number and nature of the crimes was incalculable, because if and when camps were detected, they were often immediately moved to elude investigation. There was therefore little access to information. The figures shown in the aide-mémoire were tentative. The report cited 25,000 rapes, based on direct testimony of witnesses and on the findings of various commissions; other sources claimed that that figure could be as high as 60,000. The true figures would probably never be known, for in such cases many women preferred to remain silent.

31. The women of Bosnia and Herzegovina appealed to the international community to show solidarity with the victims of that brutal war. It must be understood that, although several isolated cases might be classified as reprisal or revenge, the rapes perpetrated in that country were a matter of policy. The distinction must be drawn between the traditional variety of rape that took place in war, and genocidal rape as policy: as the report had shown, women had been captured and transported solely to be raped. Such a campaign had the greater purpose of humiliating an entire ethnic group. Forced pregnancy, another instance of national humiliation, was unprecedented in the history of warfare.

32. Her Government commended the efforts of the Security Council to establish an International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. Systematic rape was still being carried out against women in areas which were inaccessible to international verification.

33. While acts of rape had undoubtedly been committed by Bosnian forces, such acts had never been an instrument of policy. It should be recalled that, when the aggression began, the country possessed neither an army nor weapons and had been forced to rely on citizens' defence groups and units of irregulars. In such a chaotic situation, human rights violations had unquestionably taken place. The Government had, however, taken steps to curb those violations by dismissing guilty officers and detaining some irregulars. The crackdown against lawless gangs in Sarajevo in the summer of 1993, for example, had been well

(Ms. Sapcanin, Bosnia and Herzegovina)

documented. The violations committed by the Serbian forces, however, were on a different scale altogether and represented a deliberate attempt at genocide, humiliation and destruction of the honour of an entire people.

34. Her Government would reply in a subsequent report to the question concerning the economic compensation of rape victims. With regard to the steps currently being taken to alleviate the suffering of those victims, it must be remembered that the Government was attempting to provide basic services including electricity, gas, drinking water, medicines and sanitation and, at the same time, was doing its best to set up centres for all trauma victims. But it was difficult even for medical help to reach those who were in need, since most towns and cities were under siege. Because of the siege laid to Mostar, for example, by forces of the Croatian Council of Defence (HVO), it had not been possible to deliver a mobile hospital donated by the Government of South Africa. One of the main objectives of the treatment of rape victims was to restore their ability to function within their families and communities.

35. Another of the Government's priorities was the protection of refugees. Several international organizations and States had provided training to local experts in how to deal with the consequences of the war, including the problem of refugees. The situation had been compounded by the damage done to the medical service infrastructure, including hospitals, often as a result of intentional shelling. Nevertheless, the limited resources available were being equitably distributed and hospital staff were labouring heroically under appalling conditions. Basic equipment and even food were sorely needed and, because of the heavy influx of refugees and the scarcity of housing, the living conditions of refugees were far from satisfactory. Her Government therefore wished to thank those States which had accepted Bosnian refugees on their territories.

36. No figures were available of the number of abortions performed in Bosnia and Herzegovina. Abortions did take place, particularly among the victims of rape. In view of the dire lack of adequate medical facilities, some women even performed abortions on themselves, thereby endangering their health and even their lives. With regard to measures for the protection of families, special centres had been set up to offer counselling to those who had suffered the loss of their loved ones.

37. She had no precise figures regarding the participation of women in Government, but women were well represented in the country's foreign service. Indeed, the Ambassador of Bosnia and Herzegovina to Croatia was a woman. She hoped to be able to respond to that question in greater detail in the next report.

38. As for the assets of the Bosnian Government, the country's economy was all but destroyed. Per capita income was derisory and the population survived thanks to humanitarian assistance from the international community. It was time, however, for the international community to go beyond alleviating the consequences of the conflict and to adopt a more proactive approach towards ending the aggression.

39. The CHAIRPERSON said that rarely had the Committee had so many questions answered immediately and with such force. Members of the Committee deplored the tragic events taking place in the States which formerly comprised Yugoslavia. The use of rape as an instrument of policy represented a serious setback for the standards which the Convention sought to promote.

40. She noted that the representative of Bosnia and Herzegovina had made no mention of reconciliation and wondered whether women's groups were organizing themselves in preparation for the task of rebuilding and reconciliation. While it was undoubtedly difficult to envisage reconciliation in the current situation, she wished to appeal to the people of Bosnia and Herzegovina, even as they buried their dead and tended the wounds of the injured, to remember that an end must be put to hatred. The Committee would continue to monitor the situation of women's rights not only in Bosnia and Herzegovina but also in the other States of the former Yugoslavia and wished to express its solidarity with the women of those countries who were currently enduring such great suffering.

The meeting rose at 5.25 p.m.